

# HOUSE BILL 437

N1

11r0437

---

By: **Delegate Niemann**

Introduced and read first time: February 4, 2011

Assigned to: Environmental Matters

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Sales of New Homes – Minimum Visitability Features**

3 FOR the purpose of requiring a developer of new homes in a subdivision at the time of  
4 offering new homes in a subdivision for sale to make available for inspection a  
5 model home that contains minimum visitability features and to offer minimum  
6 visitability features as an option for purchase under certain circumstances;  
7 defining certain terms; providing for a delayed effective date; and generally  
8 relating to minimum visitability features in the sale of new homes.

9 BY adding to  
10 Article – Real Property  
11 Section 10–801 to be under the new subtitle “Subtitle 8. Miscellaneous  
12 Provisions”  
13 Annotated Code of Maryland  
14 (2010 Replacement Volume and 2010 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Real Property**

18 **SUBTITLE 8. MISCELLANEOUS PROVISIONS.**

19 **10–801.**

20 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
21 **MEANINGS INDICATED.**

22 **(2) (i) “DEVELOPER” MEANS A PERSON WHO IS RESPONSIBLE**  
23 **FOR THE DEVELOPMENT AND SALE OF RESIDENTIAL LOTS IN A SUBDIVISION.**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   **(II) “DEVELOPER” INCLUDES A PERSON WHO ENGAGES IN**  
2 **THE BUSINESS OF CONSTRUCTING AND SELLING NEW HOMES IN A SUBDIVISION.**

3                   **(3) “MINIMUM VISITABILITY FEATURES” MEANS:**

4                   **(I) A GROUND LEVEL ENTRANCE:**

5                   1.     **THAT HAS A WIDTH OF 36 OR MORE INCHES;**

6                   2.     **THAT IS ACCESSIBLE FROM THE OUTSIDE OF THE**  
7 **NEW HOME OR AN ATTACHED GARAGE; AND**

8                   3.     **IN WHICH THE THRESHOLD OF THE ENTRANCE IS**  
9 **NO MORE THAN 1.5 INCHES HIGHER THAN THE INTERIOR FLOOR AND THE**  
10 **EXTERIOR LANDING; AND**

11                   **(II) A CIRCULATION ROUTE FROM THE GROUND LEVEL**  
12 **ENTRANCE TO AN UNATTACHED GARAGE, PARKING SPACE, OR PUBLIC**  
13 **RIGHT-OF-WAY THAT IS FREE OF ANY CURBS, STEPS, LANDINGS, OBSTACLES,**  
14 **OR OTHER VERTICAL CHANGES IN LEVEL THAT ARE MORE THAN 1.5 INCHES.**

15                   **(4) “MODEL HOME” MEANS A NEW HOME IN A SUBDIVISION THAT**  
16 **IS MADE AVAILABLE FOR INSPECTION BY A PROSPECTIVE PURCHASER OF A NEW**  
17 **HOME IN THE SUBDIVISION SO AS TO ILLUSTRATE THE AVAILABLE FEATURES**  
18 **THAT CAN BE BUILT IN A NEW HOME IN THE SUBDIVISION.**

19                   **(5) (I) “NEW HOME” MEANS A NEWLY CONSTRUCTED**  
20 **SINGLE-FAMILY DWELLING UNIT.**

21                   **(II) “NEW HOME” DOES NOT INCLUDE:**

22                   1.     **A CUSTOM HOME AS DEFINED IN § 10-501 OF THIS**  
23 **TITLE; OR**

24                   2.     **A MOBILE HOME AS DEFINED IN § 8A-101 OF THIS**  
25 **TITLE.**

26                   **(B) THIS SECTION DOES NOT APPLY TO:**

27                   **(1) A NEW HOME THAT IS LOCATED ABOVE ANOTHER NEW HOME;**

28                   **(2) AN ATTACHED NEW HOME:**

1                   **(I) WITH A WIDTH OF LESS THAN 18 FEET; OR**

2                   **(II) THAT DOES NOT HAVE ON THE GROUND FLOOR EITHER**  
3 **A BATHROOM OR A KITCHEN;**

4                   **(3) A NEW HOME:**

5                   **(I) THAT DOES NOT HAVE A GARAGE; AND**

6                   **(II) IN WHICH THE SLOPE BETWEEN THE FINISHED GROUND**  
7 **LEVEL AT ALL UNIT ENTRANCES TO THE NEAREST POINT ALONG A PROPERTY**  
8 **LINE THAT BORDERS A PUBLIC RIGHT-OF-WAY IS GREATER THAN 10%; OR**

9                   **(4) A NEW HOME IN WHICH COMPLIANCE WITH THE DESIGN**  
10 **FLOOD ELEVATION RESTRICTIONS WILL CAUSE:**

11                   **(I) THE FINISHED FLOOR TO BE MORE THAN 30 INCHES**  
12 **ABOVE THE FINISHED GROUND LEVEL AT ALL UNIT ENTRANCES; OR**

13                   **(II) THE SLOPE BETWEEN THE FINISHED FLOOR AT ALL**  
14 **UNIT ENTRANCES TO THE NEAREST POINT ALONG A PROPERTY LINE THAT**  
15 **BORDERS A PUBLIC RIGHT-OF-WAY TO BE GREATER THAN 10%.**

16                   **(C) THIS SECTION APPLIES ONLY TO A SUBDIVISION THAT CONTAINS:**

17                   **(1) 11 OR MORE NEW HOMES; AND**

18                   **(2) 3 OR MORE MODEL HOMES.**

19                   **(D) AT THE TIME OF OFFERING NEW HOMES IN A SUBDIVISION FOR**  
20 **SALE, A DEVELOPER SHALL:**

21                   **(1) MAKE AVAILABLE FOR INSPECTION A MODEL HOME THAT**  
22 **CONTAINS MINIMUM VISITABILITY FEATURES; AND**

23                   **(2) OFFER MINIMUM VISITABILITY FEATURES AS AN OPTION FOR**  
24 **PURCHASE.**

25                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2012.